

Exhibit D



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 25, 2022

BY EMAIL

Jonathan Marvinny, Esq.
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Federal Defenders of New York Inc.
52 Duane Street, 10th Floor
New York, NY 10007

Re: *United States v. Ethan Phelan Melzer*, S1 20 Cr. 314 (GHW)

Dear Counsel:

On December 9, 2021, we provided notice, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), of certain expert testimony that the Government intends to offer in calling Dr. Peter Simi during its case-in-chief at trial. Below, we provide additional information regarding Dr. Simi's anticipated trial testimony and seek reciprocal disclosures.

A. Background on Dr. Simi

The Government intends to call Dr. Peter Simi to testify as an expert on white supremacist movements and groups, which include, among others, the Order of Nine Angles ("O9A"). Dr. Simi is an Associate Professor in the Department of Sociology at Chapman University. He has studied extremist groups and violence for more than 20 years.

Attached to our December 9, 2021 letter, we provided Dr. Simi's resume, which includes a listing of his publications, including peer-reviewed articles and book chapters on white supremacist and Neo-Nazi groups. As part of his research, Dr. Simi has also studied the originating influences of far-right extremist groups, the links between Satanism, paganism, Neo-Nazism, and white supremacist ideology, and the direct and indirect connections between white supremacists and jihadists. Dr. Simi is also co-author of *American Swastika: Inside the White Power*

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Movement's Hidden Spaces of Hate. Finally, and as noted in our December 9, 2021 letter, Dr. Simi has twice testified as an expert (copies of which testimony were previously provided).

B. Dr. Simi's Expected Testimony

The Government plans to offer testimony from Dr. Simi regarding white supremacist movements, O9A's history and ideology as a white supremacist group, and O9A's structure, goals, literature, objectives, and means and methods. This testimony will be based on a synthesis of, among other things, Dr. Simi's review of academic literature (including peer-reviewed articles) concerning white supremacist and Neo-Nazi groups; extensive online research, including review of online gathering spaces for white supremacist, Neo-Nazi, and accelerationist groups, including O9A, on online platforms including Telegram and Discord; review of publicly-available O9A materials, including primary source documents such as books, essays, and Internet blog posts; and his field research embedded with white supremacist and Neo-Nazi groups.

In particular, the Government anticipates eliciting testimony from Dr. Simi regarding the following topics:

- **O9A's Origins Within the White Supremacist Movement:** O9A originated in the United Kingdom in the 1970s from the writings of pseudonymous author Anton Long. O9A's ideology is centered on the worship of Satan and the supremacy of the white race. O9A's leaders and members identify as Neo-Nazi, professing admiration for Adolf Hitler. Like several other white supremacist groups, O9A teaches that the natural essence of Western civilization is pagan, and that Western civilization has deviated from this natural ethos. At the core of O9A's ideology is a militant support for the promotion of extreme violence in order to overthrow Western civilization. Over time, the group has embraced Islamist jihadist ideology and the violent tactics of jihadist groups, such as ISIS and Al Qaeda, as a means to accelerate the decline of Western society. Accordingly, leaders and members of O9A often profess admiration for jihadist figures like Usama Bin Laden.
- **O9A Literature and Philosophy:** O9A texts, including books, essays, and blog posts, set forth the core themes of O9A philosophy, including that Western civilization has been diverted from its true, pagan ethos and that the breakdown of the current societal order is necessary to allow individual and societal evolution toward enlightenment. Some O9A texts exalt Hitler and the Third Reich and also set forth core O9A tactics, including the importance of engaging in "sinister" deeds. These include, for example, the performance of "insight roles," whereby O9A members are instructed to infiltrate various organizations, including the military, to gain training and subvert those groups from within. Key O9A texts in this regard include *The Sinister Tradition: Order of Nine Angles*, *Hostia: Secret Teachings of the O.N.A.*, and *The Seven Fold Way Of The Order Of Nine Angles: A Modern Practical Guide*.

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- **O9A Structure:** O9A is an international, largely clandestine, collective of individuals and groups (known in O9A parlance as “nexions”) committed to satanic, Neo-Nazi, and pro-jihadist principles and practices. Today, O9A adherents and nexions appear to be concentrated in Europe and the United States. In the United States, the group operates primarily under the name, “Temple ov Blood.”
- **The Convergence of O9A and Jihadists:** O9A’s praise for jihadists and their attacks on Western society is an outgrowth of the larger white supremacist movement’s celebration of jihadists in the last 20 years. Leading white supremacist figures (including figures embraced by O9A) have voiced admiration for jihadists’ abilities to effectively use violence to achieve global aims and have expressed an interest in emulating jihadist tactics to confront their shared enemies. O9A (and white supremacists more broadly) share with jihadist ideology the perception of a shared enemy (*i.e.*, Jews and the State of Israel), an ideological commitment to a culture of violence as a means to achieve ideological ends, and apocalyptic and accelerationist worldviews.
- **O9A’s Emphases on Deception and Violence:** O9A literature advocates the use of deception and violence to achieve the group’s aims. O9A adherents similarly promote these concepts in their propaganda and discourse. For example, while performing “insight roles,” O9A initiates are instructed not to divulge to anyone that they have infiltrated the target organization on behalf of O9A. With respect to violence, O9A followers condone and encourage murder and rape as legitimate means of furthering the objectives of the group.
- **O9A’s Use of Certain Terms, Images, Symbols and Memes:** O9A, consistent with the larger white supremacist movement, uses certain terms (including slang words), images, symbols, memes, and other content to recruit new members and communicate shared goals and ideology. For example, Dr. Simi is expected to testify about the meaning and use of the term “rape” within O9A, including the dual-use of the word as a direct reference to “accelerationist” goals, that is, advocating the use of rape as a means by which to propagate the white race and/or subjugate and destroy non-white communities, and also as means of signaling membership in O9A.
- **O9A’s Use of Encrypted Messaging Applications:** O9A primarily communicates through encrypted messaging applications, such as Telegram. O9A uses these encrypted platforms to, among other things, express extremist views, organize overt and covert operations, recruit new members, and share propaganda amongst themselves, including Neo-Nazi and jihadist videos, images, and memes.

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DISCLOSURE BY THE DEFENDANT

The Government reiterates its prior requests for reciprocal discovery under Federal Rule of Criminal Procedure 16(b) and for notice under Rules 12.1, 12.2, and 12.3. Specifically, the Government requests that the defendant:

- Allow inspection and copying of: (1) any books, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial; and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.
- Disclose prior statements of witnesses the defendant will call to testify at trial, including expert witnesses. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same basis upon which we agree to supply the defendant with 3500 material relating to Government witnesses.
- Pursuant to Rule 16(b)(1)(C), provide notice regarding any expert witness that the defendant intends to rely upon, including a written summary of any testimony that the defendant intends to elicit under Rules 702, 703, or 705. Any such summary should include the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.
- Pursuant to Rules 12.1, 12.2, and 12.3, provide notice of any alibi defense, insanity defense, or public-authority defense that the defendant intends to rely upon in this case.

Sincerely,

DAMIAN WILLIAMS
United States Attorney

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Enclosures